

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

JOSEPH D. GOW
N2116 Valley Road
La Crosse, WI 54601-7116

Plaintiff,

Case No. 25-CV-59

vs.

THE BOARD OF REGENTS OF THE UNIVERSITY
OF WISCONSIN SYSTEM
Office of the Board of Regents
1860 Van Hise Hall
1220 Linden Dr
Madison, WI 53706,

JAY O. ROTHMAN,
1101 East Circle Drive
Whitefish Bay, WI 53217

BETSY MORGAN,
1708 Hickory Street
Onalaska, WI 54650

JAMES BEEBY,
2873 Riedling Drive
Louisville, KY 40206

ANGELA ADAMS
10619 North Augusta Court
Mequon, WI 53092,

DESMOND ADONGO
1020 Vine Avenue, Unit #104
Oshkosh, WI 54901,

AMY BLUMENFELD BOGOST
6203 South Highlands Avenue
Madison, WI 53705,

HÉCTOR COLÓN
25523 West Loomis Road
Wind Lake, WI 53185,

HABEN GOITOM,
2230 Keyes Avenue
Madison, WI 53711,

JIM KREUSER
3505 14th Place
Kenosha, WI 53144,

EDMUND MANYDEEDS III
3920 Freedom Drive
Eau Claire, WI 54703,

TIMOTHY NIXON
331 Windward Road
Green Bay, WI 54302,

CRIS PETERSON
23250 South Williams Road
Grantsburg, WI 54840,

JOAN PRINCE
8712 West Spokane Street
Milwaukee, WI 53224,

ASHOK RAI
1053 Crown Pointe Circle
Suamico, WI 54173,

JACK SALZWEDEL
1835 Winnebago Street, Unit #402
Madison, WI 53704,

AMY TRAYNOR
7888 West Folsom Street
Eau Claire, WI 54703,

KAREN WALSH
5404 Lake Mendota Drive
Madison, WI 53705,

KYLE M. WEATHERLY
1673 North Astor Street
Milwaukee, WI 53202,

Defendants.

COMPLAINT

Plaintiff Joseph D. Gow, by his attorneys Laffey, Leitner & Goode LLC, alleges as follows in support of his claims against Defendants:

1. The central purpose of the First Amendment to the United States Constitution is the protection of unpopular speech from censorious governments. “The Star-Spangled Banner” does not need the protection of the First Amendment.

2. The Board of Regents of the University of Wisconsin System (“the Board”) terminated Dr. Joseph Gow from his tenured faculty position at the University of Wisconsin – La Crosse (“UWL”) because it disliked his participation in and production of his “Sexy Happy Couple” videos, which express his personal views about the role of healthy adult sexuality and a vegan lifestyle in promoting stable, happy, monogamous marriages. The First Amendment protects Dr. Gow’s speech, even if it may be unpopular or contrary to the majority of public sentiment. Indeed, the First Amendment is most important when the danger of stifling controversial speech is at its highest.

3. The Board’s termination of Dr. Gow violated the First Amendment. It also flouts the University of Wisconsin System’s stated commitment to freedom of expression, as articulated in its Policy Document 4-21, “Commitment to Academic Freedom and Freedom of Expression”:

Academic freedom includes the freedom to explore all avenues of scholarship, research, and creative expression, and to reach conclusions according to one’s own scholarly discernment. Freedom of expression includes the right to discuss and present scholarly opinions and conclusions on all matters both in and outside the classroom. These freedoms include the right to speak and write as a member of the university community **or as a private citizen** without institutional discipline or restraint, on scholarly matters, or on matters of public concern. The UW System is committed to these principles and provides all members of the university community the broadest possible latitude to explore ideas and to speak, write, listen, challenge, and learn.

Of course, different ideas in the university community will often and quite naturally conflict. But it is not the proper role of the university to attempt to shield individuals from ideas and opinions they, or others, find unwelcome, disagreeable, or even deeply offensive. Although the university greatly values civility, concerns about civility and mutual respect can never be used as justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members within the university community.

...

Each institution in the University of Wisconsin System has a solemn responsibility not only to promote lively and fearless exploration, deliberation, and debate of ideas, but also to protect those freedoms when others attempt to restrict them. **Exploration, deliberation, and debate may not be suppressed because the ideas put forth are thought by some or even by most members of the university community (or those outside the community) to be offensive, unwise, immoral, or wrong-headed.** It is for the members of the university community, not for the institution itself, to make those judgments for themselves, and to act on those judgments not by seeking to suppress exploration of ideas or expression of speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the university community to engage in such debate and deliberation in an effective and responsible manner is an essential part of each institution's educational mission.

....

"Whatever may be the limitations which trammel inquiry elsewhere, we believe the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found."

Regent Policy Document 4-21, located at

<https://www.wisconsin.edu/regents/policies/commitment-to-academic-freedom-and-freedom-of-expression/>, August 21, 2024 (emphasis added).

4. As a result of the Board's punishment of Dr. Gow for the content of his protected speech, the Court should declare that his termination violated the First Amendment and order the Board to reinstate Dr. Gow as a tenured professor at UWL. The Court should also award Dr. Gow damages compensating Dr. Gow for the financial losses flowing from his unconstitutional firing.

PARTIES

5. Dr. Joseph D. Gow is a citizen of La Crosse, Wisconsin. He was the Chancellor of UWL from February 1, 2007 until his termination from that position on December 27, 2023 and a tenured professor at UWL in the Communications Studies Department from February 1, 2007 until the Board terminated his employment on September 27, 2024.

6. Dr. Gow and his wife, Carmen Wilson, are advocates for the role of vegan cooking and a “sex-positive” philosophy in promoting stable, healthy, and monogamous marriages. They express these views in videos and books they created in their free time.

7. The Board is a public corporation of the State of Wisconsin that governs the University of Wisconsin System (“UW System”), including UWL, under Wis. Stat. § 36.07(1).

8. Jay Rothman is the President of the UW System. President Rothman filed the Complaint against Dr. Gow that led to the Board’s termination decision. His office is located in Madison, Wisconsin. He is sued in his individual capacity.

9. Betsy Morgan was the Interim Chancellor at UWL from December 27, 2023 to June 30, 2024. Her office is at UWL. Based on the complaint filed by President Rothman, Chancellor Morgan placed Dr. Gow on paid leave from all UWL duties on December 29, 2023 and issued written charges against Dr. Gow on March 29, 2024 alleging just cause for his dismissal. She is sued in her individual capacity.

10. James Beeby is the current chancellor of UWL, having assumed the role on July 1, 2024. His office is at UWL. Chancellor Beeby recommended Dr. Gow’s termination to President Rothman after receiving a Report and Recommendation from the UWL Faculty Committee dated July 11, 2024. Chancellor Beeby is sued in his individual capacity.

11. Angela Adams is the founder and CEO of SAGE Business Advisors, Interim President and CEO of The African American Leadership Alliance Milwaukee, and University of Wisconsin Regent. She is sued in her individual capacity.

12. Desmond Adongo is a current student at the University of Wisconsin-Oshkosh and University of Wisconsin Regent. He is sued in his individual capacity.

13. Amy B. Bogost is the current President of the University of Wisconsin System Board of Regents. She is sued in her individual capacity.

14. Héctor Colón is the President and CEO of Lutheran Social Services of Wisconsin and Upper Michigan and University of Wisconsin Regent. He is sued in his individual capacity.

15. Haben Goitom is the Vice President of Legal at Mainspring Energy and University of Wisconsin Regent. She is sued in her individual capacity.

16. Jim Kreuser is a University of Wisconsin Regent. He is sued in his individual capacity.

17. Edmund Manydeeds III is an attorney with Manydeeds Law S.C. and University of Wisconsin Regent. He is sued in his individual capacity.

18. Timothy Nixon is an attorney with Godfrey and Kahn S. C. and University of Wisconsin Regent. He is sued in his individual capacity.

19. Cris Peterson is the owner and operator of Four Cubs Farm and a University of Wisconsin Regent. She is sued in her individual capacity.

20. Joan Prince is the President and CEO of Executive Strategies Elite, LLC and a University of Wisconsin Regent. She is sued in her individual capacity.

21. Ashok Rai is the President and CEO of Prevea Health and a University of Wisconsin Regent. He is sued in his individual capacity.

22. Jack Salzwedel is a University of Wisconsin Regent. He is sued in his individual capacity.

23. Amy Traynor is the Director of Learning Services at CESA 10 and a University of Wisconsin Regent. She is sued in her individual capacity.

24. Karen Walsh is the director of the BerbeeWalsh Foundation and a University of Wisconsin Regent. She is sued in her individual capacity.

25. Kyle M. Weatherly is the current Vice President of the University of Wisconsin System Board of Regents. He is sued in his individual capacity.

JURISDICTION AND VENUE

26. This Court has subject matter jurisdiction over the action under 28 U.S.C. § 1331 and 42 U.S.C. § 1983.

27. Venue in this Court is proper under 28 U.S.C. § 1391(b) because the University of Wisconsin Board of Regents is headquartered in Madison, UWL is located in La Crosse, and a substantial part of the events and omissions giving rise to the claims occurred in this District.

FACTUAL BACKGROUND

Dr. Gow's Protected Speech

28. Dr. Gow and Wilson believe firmly that both a vegan lifestyle and open, healthy, adult sexuality support stable, happy, monogamous marriages.

29. They post "Sexy Happy Cooking" videos in which they cook vegan meals and discuss issues related to sex on their YouTube channel, "Sexy Happy Couple."

30. In addition to the YouTube videos, Dr. Gow and Wilson create pornographic videos, sometimes with adult entertainment stars, under their "Sexy Happy Couple" moniker. They

post these videos to popular adult entertainment websites like xHamster.com and OnlyFans. Before late 2023, the videos were not publicly available.

31. Dr. Gow and Wilson have also published books, under the pseudonyms Jay Hart and Geri Hart, about their approach to sex in marriage and their experience in the adult entertainment industry, entitled *Monogamy with Benefits: How Porn enriches Our Relationship* and *Married with Benefits: Our Real-life Adult Industry Adventures*.

32. The videos created and books written by Dr. Gow are not obscene or illegal in any other way.

33. Dr. Gow made and distributed the books and videos outside the UWL workplace. He used vacation and personal time to work on them – not time when he should have been conducting UWL work. He used personal funds to underwrite the costs of book publication and video production. He used no UWL funds in connection with the books or videos.

34. The content of the books and videos is unrelated to Dr. Gow's UWL work and he did not take deliberate steps to trade on his public employment to promote the content or link it to UWL. Notes from the investigation ordered by Chancellor Morgan state: "There was no direct connection to University of Wisconsin observed in any of the content or mentioned in any of the recordings."

35. Dr. Gow did not discuss the books and videos with, or encourage their purchase by, UWL students or colleagues.

36. Dr. Gow's videos and books are speech protected by the First Amendment. In particular, as a public employee, Dr. Gow has a First Amendment right to speak as a private citizen on issues of public concern, such as healthy human sexuality and the best ways to promote strong monogamous marriages.

UWL's Investigation and Termination of Dr. Gow.

37. Upon information and belief, President Rothman's Chief of Staff, Jess Lathrop, received a complaint on December 19, 2023 from an individual who asked to keep their identity confidential, alleging that Dr. Gow and Wilson appeared in sexually explicit videos publicly available on xHamster.com.

38. Dr. Gow met with UW System's Deputy General Counsel Jennifer Sloan Lattis and Deputy Human Resources Director Kelly Cook on December 20, 2023. Dr. Gow confirmed that he and Wilson were in the videos, had posted them to xHamster.com along with other adult entertainment websites, and had been appearing in and creating such videos for about ten years.

39. On December 22, 2024, when Dr. Gow and Wilson were out of town, Chancellor Morgan and UW System General Counsel Quinn Williams instructed University Police Chief Allen Hill to remove all computers and tablets from Dr. Gow's UWL office and send them to Williams' home address.

40. The Board terminated Dr. Gow as Chancellor on December 27, 2023. On the same day, President Rothman formally requested that Chancellor Morgan "evaluate [the December 19, 2023 anonymous] complaint for possible termination of Dr. Gow's tenured position," stating that "Dr. Gow's actions reflect poorly on the institution **potentially** causing serious damage to the reputation of [UWL]" (emphasis added). Chancellor Morgan retained Husch Blackwell, LLP on or before December 29, 2023 to conduct an investigation.

41. Husch Blackwell submitted a report dated March 14, 2024 to Chancellor Morgan, who sent a copy of it to Dr. Gow on March 15, 2024.

42. With regard to the videos, the report states: “Dr. Gow’s pornographic videos are very graphic and depicted sexual encounters with other individuals. However, the encounters appeared consensual, involved only adults, **and appeared to be legal pornography.**”

43. Based on her review of the Husch Blackwell report, Chancellor Morgan issued a Statement of Charges against Dr. Gow concluding that she had just cause to pursue revocation of Dr. Gow’s tenure and termination of his employment as a professor at UWL.

44. Charge 1 in the Statement of Charges alleges “Unethical and potentially illegal conduct” and asserts as a basis for termination that “[Dr. Gow has] appeared in and posted numerous pornographic videos on publicly accessible websites (both for free and for payment) in which [Dr. Gow is] clearly identifiable and reference both [his] midwestern location and [his] academic career (mentioning, e.g., the ‘President,’ ‘student enrollment,’ and the ‘Provost’).”

45. The charge does not state that Dr. Gow ever identified UWL or the UW System in any videos or books, and the Husch Blackwell report acknowledges as much: “There was no direct connection to University of Wisconsin observed in any of the content or mentioned in any of the recordings.”

46. Charge 1 further states as a basis for termination that Dr. Gow “acknowledged the activities, . . . expressed [his] desire to continue engaging in the activities, and . . . promoted [the] content.”

47. The Statement of Charges explicitly relies on the content of Dr. Gow’s speech to support the conclusion that just cause existed to terminate him. The other conduct described in the Statement of Charges is merely a pretext for the unconstitutional firing of Dr. Gow because of his pornographic (but entirely legal) activities.

48. Dr. Gow requested a public hearing on Chancellor Morgan's charges, which was held on June 19-20 by the UWL Faculty Senate Hearing Committee.

49. On July 11, 2023, the Committee issued a Committee Report, Findings, and Recommendations finding that the University had established just cause for terminating Dr. Gow. Based on that report, Chancellor Beeby recommended Dr. Gow's firing to the Board's Personnel Matters Review Committee.

50. The Board took up the Personnel Matters Review Committee's recommendation on September 27, 2024 and unanimously adopted it. The Board did not make its own findings of fact, instead adopting those of the Faculty Senate Hearing Committee. With regard to the charge of unethical conduct, the findings relate almost entirely to the content of the pornographic videos and books described above.

51. The Board terminated Dr. Gow's tenured faculty position because of the content of his pornographic videos and his books.

FIRST CLAIM FOR RELIEF
Violation of First Amendment of the United States Constitution
42 U.S.C. § 1983

52. Plaintiff repeats the allegations in the foregoing paragraphs as if set forth in full.

53. The most important function of the First Amendment is to protect against punishment for engaging in legal, protected speech.

54. UWL's investigation of Dr. Gow and its evaluation of the evidence raised by the investigation were driven by its animosity toward Dr. Gow's protected speech.

55. Similarly, the Board's decision to terminate Dr. Gow because of his participation in pornographic videos and his publication of books espousing his philosophy about how healthy, open sexuality promotes a happy, monogamous marriage was driven by its dislike of the content of those videos and books.

56. The Board's termination violates Dr. Gow's First Amendment rights.

57. A justiciable controversy exists between Dr. Gow and the Defendants regarding the unconstitutionality of his termination.

58. The Board's unconstitutional firing caused Dr. Gow to incur financial losses.

WHEREFORE, Plaintiff Joseph D. Gow respectfully requests the Court to enter judgment awarding the following relief:

A. Against the Board of Regents, an order declaring that the Board's firing of Dr. Gow violated the First Amendment;

B. Against the Board of Regents, an injunction or order requiring the Board to reinstate Dr. Gow as a tenured professor at UWL;

C. Against Defendants Jay Rothman, Betsy Morgan, James Beebe, Angela Adams, Desmond Adongo, Amy B. Bogart, Hector Colón, Haben Goitom, Jim Kreuser, Edmund Manydeeds III, Timothy Nixon, Cris Peterson, Joan Prince, Ashok Rai, Jack Salzwedel, Amy Traynor, Mark Tyler, Jill Underly, Karen Walsh, and Kyle Weatherly, an award of money representing lost wages and other compensatory damages incurred by Dr. Gow as a result of the unconstitutional actions of these defendants;

D. Attorneys' fees and costs; and

E. Such further relief as the Court may deem just and proper.

JURY DEMAND

Dr. Gow demands a trial by jury of all issues so triable.

Dated this 27th day of January, 2025.

LAFHEY, LEITNER & GOODE LLC
Counsel for Plaintiff Joseph Gow

/s/ Mark M. Leitner

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